



WINTER 2002-2003

Louisiana COASTLINES

LOUISIANA DEPARTMENT OF NATURAL RESOURCES

Spread the Word, Educate, Support and Participate

Opportunities abound for citizens, children, students, and organizations to become aware of our state's riches. At the Louisiana Department of Natural Resources, "spreading the word" is an integral part of how we serve the public and how we get the job done. Our informational and educational outreach programs play a significant role in bringing people knowledge and understanding that they may not have gained from other sources.

State, local and federal agencies (like DNR) and many others involved in the dissemination of news and information believe in the positive benefits of public awareness campaigns like the *America's Wetland: Campaign to Save Coastal Louisiana*, workshops, specialized presentations, and community and public meetings. The power of the Internet and web-based knowledge is extraordinary. Today, it is a remarkable communications tool. Governor Mike Foster takes time out of his schedule

each week to address the citizens of the state by way of his radio talk show.

Seeking information on a variety of topics such as coastal resources, energy resources, ecosystems, mineral resources, oil and gas information, conservation programs, geology and rocks, and the environment can start right here

at DNR. Provided in this newsletter is a look at a few outreach programs and how to contact us and other agency partners.

Shown in the photo above is DNR Coastal Management Education Coordinator Steve Chustz at Tickfaw State Park where he explains to a school group the importance of restoring and protecting Louisiana's wetlands.



Websites to visit:

www.dnr.state.la.us

www.americaswetland.com

www.btnep.org

www.lacoast.gov

www.coast2050.gov

Education and Outreach Photo Gallery



CWPPRA

The Breaux Act outreach activities are featured on the program's website www.lacoast.gov. An e-mail notification system *Newsflash*, a quarterly newsletter *WaterMarks*, and teacher workshops offer many groups the chance to know more about coastal Louisiana. **Contact:** USGS Wetlands Center at 337-266-8623.



Traveling Exhibit Booth and Information

To learn more about the America's Wetland Campaign: **Contact:** Governor's Office of Coastal Activities at 225-342-3968 or DNR Public Information Office at 225-342-0556.



Enviroscape

The Enviroscape model helps students at Paulina Elementary School learn about restorative habitats and communities. Water quality and nonpoint source pollution are also topics that they can explore. **Contact:** DNR Coastal Management Division at 1-800-267-4019.



Public participation to shape Coastal LA

Citizens across the state have the opportunity to learn and comment on a final strategic plan to sustain coastal Louisiana. DNR Project Manager Jon Porthouse of the Coastal Restoration Division and officials with the U.S. Army Corps of Engineers have begun traveling across the state to present information on the Louisiana Coastal Area study. Porthouse is shown here at a public meeting in Lake Charles (photo top) along with Mayor Randy Roach (photo left). Additional public hearings will be announced throughout the year. **Contact:** DNR Public Information Office at 225-342-8955.





From the Coastal Administrator's Office

Will new Federal Wetland Policy bring change to Louisiana's Coastal Zone Program

Editor's Note: DNR's Coastal Management Division (photo left) Assistant Administrator Jim Rives and (right) CMD Administrator Dr. Terry Howey address current wetland policies of the Bush Administration.

Recently, changes in federal wetland policies have been the subject of many national, state and local news stories. There are two basic issues under discussion, new policies for isolated wetlands, and new mitigation guidance.

Will these changes in federal wetland policy alter the wetland regulatory authority provided by the Coastal Use Permit process?

No, the Louisiana Coastal Resources Program (LCRP) is the lead regulatory agency of the Louisiana Coastal Zone, including coastal wetlands. Because Louisiana has an approved coastal management program, the actions of federal agencies must be, to the maximum extent practicable, consistent with the LCRP. Thus, the mitigation regulations of the LCRP will not be supplanted by the new federal policies.

How does the change in federal policy on isolated wetlands affect wetland protection in the coastal zone?

It may result in loss of regulatory protection of isolated wetlands not only in the coastal zone, but everywhere else in the state. The changes in federal policy with respect to isolated wetlands are the result of a U.S. Supreme Court decision, *Solid Waste Agency of Northern Cook County (SWANCC) v. United States Army Corps of Engineers*. In this case, the

Court ruled that Section 404(a) of the Clean Water Act did not apply to an abandoned sand and gravel pit purchased by a consortium of towns as a disposal site for nonhazardous solid waste. The site did not contain wetlands, but the Corps of Engineers determined that the site was jurisdictional because it contained "waters of the United States" since migratory birds used the site. The Court ruled that the "Migratory Bird Rule" should not be applied in cases involving isolated, nonnavigable, intrastate waters that are not tributary or (in the case of wetlands) adjacent to navigable waters or tributaries. This court decision is considered an important precedent which has application to all isolated waters and wetlands previously regulated by the Corps of Engineers under the Migratory Bird Rule.

The State and Local Coastal Resources Management Act of 1978 (SLCRMA) does not provide for regulation of most activities in isolated wetlands because only activities which affect coastal waters are jurisdictional. The SLCRMA provides that activities in areas isolated from coastal waters, including wetlands, are not jurisdictional unless the impacts of those activities extend into coastal waters. Further, SLCRMA provides that activities which occur in areas five feet above mean sea level or higher, including wetlands, are not jurisdictional. However, activities in certain types of upland habitats such as cheniers, salt domes, sand dunes, and similar geographic land forms, even those at or above five feet above mean sea level, are jurisdictional under SLCRMA. To summarize, the LCRP never had authority to regulate activi-

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ties in isolated wetlands (except as noted above), and changes in federal wetland policy will not change that. So, if federal regulation of isolated wetlands in the coastal zone ceases, activities in those wetlands will not be subject to any regulation other than local zoning and permitting. Further, since Louisiana has no state-wide wetland regulatory authority, isolated wetlands outside the coastal zone will also be unregulated.

Some state governments, notably Wisconsin, quickly reacted to the potential loss of wetland protection by passing laws to directly regulate isolated wetlands. Information concerning this issue can be found at: www.epa.gov/owow/wetlands/swanccnav.html.

How does the new federal guidance on mitigation affect mitigation in the coastal zone?

On December 24, 2002 the U.S. Army Corps of Engineers issued the Regulatory Guidance Letter on Compensatory Mitigation Projects for Aquatic Resource Impacts Under the Corps Regulatory Program. The guidance letter may be accessed at: www.usace.army.mil/inet/functions/cw/hot_topics/RGL_02-2.pdf

The changes proposed in the

guidance letter will have little or no effect on activities in coastal wetlands, but they may have an effect on activities in areas subject only to federal jurisdiction. The “mitigation authority” of the Louisiana Coastal Management Division and approved local programs is based on state law, not federal law, so changes in federal policy will not affect activities subject to LCRP permitting. However as discussed above, the Corps of Engineers is the sole regulatory agency over isolated wetlands in or out of the coastal zone, so the changes in mitigation policy are tied up with the isolated wetland issue to some extent. Basically, if the Corps does not regulate isolated wetlands due to policy changes, it will be unable to require mitigation for those isolated wetlands if they are altered by development activities.

At present, it appears that Louisiana’s coastal management and restoration efforts will be relatively unaffected by the proposed changes in federal wetland policy and that the local/state/federal alliance to protect and restore our coastal wetlands will continue unabated.

More on this topic:

www.hq.usace.army.mil/cepa/releases/swancc.htm



Underwater Obstructions Notice and Coordinates

In accordance with the provisions of R.S. 56:700.1 et. seq., notice is given that 49 claims in the amount of \$140,891.53 were received for payment during the period September 1, 2002 - January 31, 2003. There were 45 claims paid and 4 claims denied.

Loran Coordinates of reported underwater obstructions are:

26581	46377	CAMERON
26622	46979	CAMERON
26696	46991	CAMERON
27380	46967	VERMILION
28108	46855	TERREBONNE
28233	46871	TERREBONNE
28495	46851	LAFOURCHE
28561	46863	JEFFERSON
29009	46916	ST BERNARD
29080	46955	ST BERNARD
29105	46983	ST BERNARD

Latitude/Longitude Coordinates of reported underwater obstructions are:

28 55.882	89 25.803	PLAQUEMINES
29 04.588	90 53.786	LAFOURCHE
29 06.954	90 39.914	TERREBONNE
29 11.328	90 00.987	JEFFERSON
29 13.568	90 25.320	LAFOURCHE
29 14.363	90 18.900	LAFOURCHE
29 14.472	91 07.550	TERREBONNE
29 15.670	90 03.740	JEFFERSON
29 16.407	89 57.218	JEFFERSON
29 17.595	90 42.569	TERREBONNE
29 18.775	89 48.851	JEFFERSON
29 18.790	89 49.670	JEFFERSON
29 18.963	90 48.880	TERREBONNE
29 21.468	89 37.325	PLAQUEMINES
29 22.836	90 02.873	LAFOURCHE
29 29.197	92 20.737	LAFOURCHE
29 30.366	89 29.413	ST BERNARD
29 30.828	90 07.411	JEFFERSON
29 33.639	89 31.146	PLAQUEMINES
29 34.367	89 35.344	ST BERNARD
29 37.231	90 07.961	JEFFERSON
29 37.450	90 10.241	LAFOURCHE
29 39.935	92 54.146	CAMERON
29 43.630	89 31.680	ST BERNARD
29 44.579	89 36.226	ST BERNARD
29 45.052	89 48.914	PLAQUEMINES
29 48.049	91 55.642	VERMILION
29 52.150	93 20.793	CAMERON
29 56.310	89 50.320	ST BERNARD
30 00.083	89 33.826	ST BERNARD
30 00.311	93 19.939	CAMERON
30 03.050	89 46.600	ORLEANS
30 06.441	89 31.594	ORLEANS
30 09.716	89 27.514	ORLEANS

A list of claimants and amounts paid can be obtained from Verlie Wims, Administrator, Fishermen's Gear Compensation Fund, P.O. Box 44277, Baton Rouge, LA 70804 or you can call (225)342-0122.





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The Gulf of Mexico Program seeks nominations for 2003 award

The Gulf of Mexico Program is accepting nominations for the 2003 Gulf Guardian Award for individuals or groups making a difference in the health of the gulf. First, second and third-place award winners will be presented in the following categories:

- business
- government
- civic/non profit
- organizations,
- youth/education
- partnerships and individual

Entry forms are available at www.epa.gov/gmpo/gulfguard.html. Applications are due April 15th. For more information, contact Terry Hines Smith at 228/688-1159.

Coastal and Estuarine Habitat Restoration set for April

Register now to attend the Inaugural National Conference on Coastal and Estuarine Habitat Restoration in Baltimore, Maryland from April 13-16.

Participants will hear presentations from experts and leaders in all aspects of restoration, representing all coastal regions of the country. The program will take a comprehensive approach to habitat restoration and offer plenary sessions, workshops and outdoor learning opportunities with several strategic themes. For details on the conference, visit www.estuaries.org/nationalconference.php Contact: Heather Bradley at 703/524-0248.

Governor's Commission sponsors first environmental art contest

The Governor's Environmental Education Commission will sponsor an Art Language Art Contest for all students ages 5 to 18 in Louisiana funded by Alcoa. The theme is "Louisiana: The Water State." Cash awards will be presented to the winning entries in each of the following categories:

Group 1 Ages 5 to 9

Group 2 Ages 10 to 13

Group 3 Ages 14 to 18

The deadline for the contest is March 31. For an entry form or more information, call 1-877-523-6833 or visit www.gov.state.la.us/enved/news.htm.